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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,001	05/19/1999	LJUDMILA GRIGORIEVNA ASLANOVA	33611YW002	4566

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12/26/2001

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EXAMINER

HOFFMANN, JOHN M

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 12/26/2001

21

Please find below and/or attached an Office communication concerning this application or proceeding.

6-7  
1  
5 3-4  
1  
① - 22 - 25  
1  
26  
23-24

MIF 21

# Office Action Summary

Application No.

09/314,001

Applicant(s)

ASLANOVA, LJUDMILA  
GRIGORIEVNA

Examiner

John Hoffmann

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1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### ***Continued Prosecution Application***

The request filed on 5 July 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/314001 is acceptable and a CPA has been established. An action on the CPA follows.

Claims 8-9, 15-17 and 20 remain withdrawn for the reasons previously given.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21-25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner could find no support for the 1.5 value (see the end of claim 21). This is a prima facie showing of missing support. The burden is now on Applicant to show support.

Further there is no support for the claim 22 limitation that there are heaters in the firing space, stabilizing section and feeder.

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### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 0.4-0.6 height ratio (claims 25-26) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Furthermore, the heating means in each of the three claimed locations of claim 22 is required.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 21, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin 4149866 in view of Shofner 4343637 and Naber 4940478 and optionally in view of Sorg 5573569.

Austin discloses the composition of the invention and the use of basalt: see col. 2, line 48- col.3, line17. However, Austin does not go into much detail as to how the

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melt is created. Although Austin does not mention the ratios, they are inherently met by at least one of the specific compositions disclosed by Austin.

Naber teaches that it is desirable to preheat basalt when making fibers: col. 1, lines 6-8 and 31-34. This is to save energy/money: col. 2, lines 19-23. It would have been obvious to practice the Austin invention by using preheat of the basalt as taught by Naber for the reasons of Naber.

Shofner teaches using a furnace (12) and a forehearth (18) to produce fibers from basalt. Austin fails to disclose what sort of apparatus is used. It would have been obvious to use the Shofner apparatus to form the fibers, because some sort of apparatus is needed and for the advantages that Shofner discusses. The attached enlarged Shofner figure substantially shows how the claim is met. It is note that a the claimed "space" and "section" need not have any physical boundaries. One can arbitrarily designate a space or section to be as small as one wishes. Clearly there is firing occurring in the "firing space" and stabilizing (i.e. homogenizing) in the "stabilizing section". The glass inherently reaches a fiber manufacturing temperature in that it is inherently a temperature used during the manufacture of fiber.

Claims 2, 25, 26: one can arbitrarily designate the section and the space so that their height be within the claimed ratio range.

As to claim 3, it would have been an obvious matter of routine experimentation to determine the optimal glass temperature. Clearly, if the glass was near or below the melting temperature it would be too stiff to draw a fiber therefrom. And if it was very much above the melting point, it would be too fluid - water like - to draw a fiber therefrom.

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Claim 5: see Table 3. It would have been obvious that the feeder would be at a temperature near the claimed range.

Claim 2, 6 and 4: See col. 7, line 9-11 of Naber. It is clear that the basalt would be heated at least one temperature within the claimed range for at least one portion of the process.

Claim 7: see how claim 3 is addressed.

Claim 21 is clearly met by at least the X-6 fibers of Austin.

Claims 22- 24 are not rejected over the prior art for at least the reason the prior art does not teach putting heating means in a firing space. However, these claims are not indicated as being allowable because of the other outstanding rejections.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sorg is cited as showing it is well known to have forehearths be shallow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hoffmann whose telephone number is 703-308-0469. The examiner can normally be reached on Monday through Friday, 7:00- 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stan Silverman can be reached on 703-308-3837. The fax phone numbers

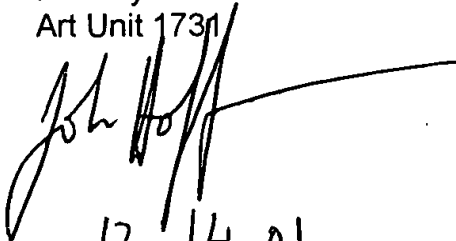
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for the organization where this application or proceeding is assigned are 703-305-7115 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

John Hoffmann  
Primary Examiner  
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jmh  
December 14, 2001



12-14-01

